

WSR 22-01-216

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed December 22, 2021, 8:39 a.m., effective January 22, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The development disabilities administration (DDA) amended WAC 388-845-2110 to adjust the criteria for who can receive supported employment services. Additional amendments align with approved home and community-based services (HCBS) waivers by: Replacing "community access" with the service's new name, "community inclusion"; and removing prevocational services, which are no longer available through DDA's HCBS waivers.

Citation of Rules Affected by this Order: Amending WAC 388-845-2110.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.040.

Adopted under notice filed as WSR 21-22-082 on November 1, 2021.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2021.

Donald L. Clintsman
Acting Secretary

SHS-4898.1

AMENDATORY SECTION (Amending WSR 18-03-174, filed 1/23/18, effective 2/23/18)

WAC 388-845-2110 Are there limits to the supported employment services you may receive? The following limits apply to your receipt of supported employment services:

(1) To receive supported employment services, you must be age ~~((twenty))~~:

(a) 20 and graduating from high school before your July or August twenty-first birthday(~~(age twenty-one))~~):

(b) 21 and (~~(graduated from)~~) no longer eligible to enroll in high school (~~(7)~~); or (~~(age twenty-two)~~)

(c) 22 or older (~~(to receive supported employment services)~~).

(2) Payment for individual supported employment services excludes the supervisory activities rendered as a normal part of the business setting (~~(7)~~).

(3) You will not be authorized to receive supported employment services in addition to community (~~(access or pre-vocational)~~) inclusion services (~~(7 and)~~).

(4) Your service hours are determined by the assistance you need to reach your employment outcomes as described in WAC 388-828-9325 and might not equal the number of hours you spend on the job or in job related activities.

[Statutory Authority: RCW 71A.12.030, 71A.12.040, 2015 3rd sp.s. c 4, and 42 C.F.R. § 441.301 (c) (4)-(5). WSR 18-03-174, § 388-845-2110, filed 1/23/18, effective 2/23/18. Statutory Authority: RCW 71A.12.030 and 2012 c 49. WSR 13-24-045, § 388-845-2110, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 71A.12.030, 71A.12.120 and Title 71A RCW. WSR 08-20-033, § 388-845-2110, filed 9/22/08, effective 10/23/08. Statutory Authority: RCW 71A.12.030, 71A.12.12 [71A.12.120] and chapter 71A.12 RCW. WSR 06-01-024, § 388-845-2110, filed 12/13/05, effective 1/13/06.]